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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kessler *et al.*

Confirmation No.: 4989

Application No.: 09/530,929

Group Art Unit: 1655

Filed: May 4, 2000

Examiner: Sisson, B

For: SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD Attorney Docket No.: 1803-303-999  
(18676-US)

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

10/21/2003 HROCHA1 00000003 161150 09530929

01 FC:1806 180.00 DA

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each U.S. patent application publication and U.S. and foreign patent;

☒ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

☐ Before the mailing of the first Office action on the merits;

- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

*(Check either Item 3a or 3b)*

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☒ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:  
☐ enclosed  
☒ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

*(Item 3b to be checked if any reference known for more than 3 months)*

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.  
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

*(Check either Item 5a or 5b)*

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

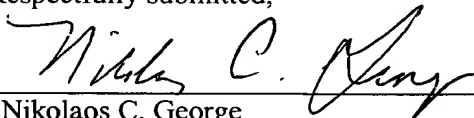
*(Check appropriate Items 6a, 6b and/or 6c)*

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- ( Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: October 9, 2003

  
Nikolaos C. George

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-7900

39,201  
(Reg. No.)

**LIST OF REFERENCES CITED BY APPLICANT**  
(Use several sheets if necessary)

ATTY DOCKET NO.

1803-0303-999

APPLICATION NO

09/530,929

APPLICANT

KESSLER et al.

FILING DATE

05/04/00

GROUP

1655

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	4,683,202	07/28/87	Mullis			
	A02	5,948,648	09/07/99	Kahn <i>et al.</i>			
	A03	6,154,707	11/28/00	Livak <i>et al.</i>			
	A04	6,245,514	06/12/2001	Wittwer			

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	0 202 362	04/26/89	Europe				
	B02	0 329 822	06/08/94	Europe				
	B03	0 787 807	08/19/1992	Europe				
	B04	WO 91/01384	02/07/1991	WIPO				
	B05	WO 92/02638	02/20/92	WIPO				
	B06	WO 94/03635	02/17/94	WIPO				

**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, Etc.)

C01	Leary, T.P., <i>et al.</i> , "Sequence and Genomic Organization of GBV-C: A Novel Member of the Flaviviridae Associated with Human Non-A-E Hepatitis," (1996), <i>J. Med. Virol.</i> , 48(1), pp. 60-67
C02	Muerhoff, A.S., <i>et al.</i> , "Genomic Organization of GB Viruses A and B: Two new Members of the Flaviviridae Associated with GB Agent Hepatitis," (1995), <i>J. Virol.</i> , 69(9), pp. 5621-5630.
C03	Simons, J.N., <i>et al.</i> , "Identification of Two Flavivirus-like Genomes in the GB Hepatitis Agent," (1995), <i>PNAS USA</i> , 92, pp. 3401-3405.
C04	Walker, G.T., <i>et al.</i> , "Isothermal <i>in vitro</i> Amplification of DNA by a Restriction Enzyme/DNA Polymerase System," (1992), <i>PNAS</i> , 89, pp. 392-396.
C05	Whitby, K., <i>et al.</i> , "Optimisation and Evaluation of a Quantitative Chemiluminescent Polymerase Chain Reaction Assay for Hepatitis C Virus RNA," (1995), <i>J. Virol. Methods</i> , 51, pp. 75-88.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.